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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4375 OF 2006

Mrs. Anita Anil Mogare ... Petitioner

Versus

The President/Secretarym,
I.C.L. Education Society and Ors. Respondents

Ms. Kumud A. Bhatia for Petitioner.

Mr. Subodh Sawant for R. Nos. 1 to 3.

Mrs. M.P. Thakur, A.G.P. for R. No. 4.

CORAM: F.I. REBELLO &
S.J. VAZIFDAR,JJ.
DATED: FEBRUARY 05, 2007

P.C.:

. After hearing the counsel for the Petitioner, who has taken us through so many irrelevant matters, we have finally come to the following conclusion.

. The Petitioner became trained graduate teacher for the first time in June, 1992 having acquired B.Ed. qualifications. The Petitioner was earlier working in the primary sections from 15.7.1981. The Petitioner claims trained graduate scale post from 25% quota. According to respondent for the first time the vacancy became available in the year 1997 and accordingly the petitioner has been granted the post and scale from that date. The matter was before the Education Officer who after considering

the Petitioners contention, passed the order dated 7.5.2005 holding that the Petitioners is entitled for upgradation in trained graduate pay scale from 13.6.1997 onwards. The Petitioner has sought to contend that she was appointed in the graduate scale from 15.6.1987. There is no such order. That order only shows that Classes Vth to VIIth came to be merged with the Secondary section and consequently the Petitioner who was earlier working in primary section started teaching in the school as upgraded. This is not an appointment in the eyes of Law. Even otherwise the Petitioner could not have been appointed as she was not trained graduate teacher. Considering the above, we find no case for interference. Petition dismissed.

(S.J. VAZIFDAR,J.) **(F.I.REBELLO,J.)**